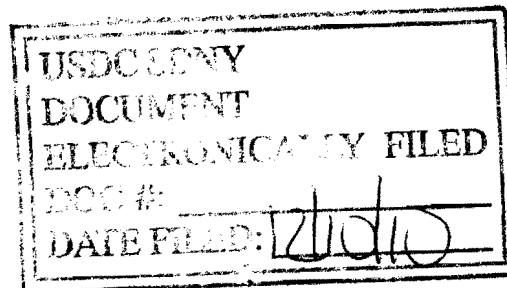




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

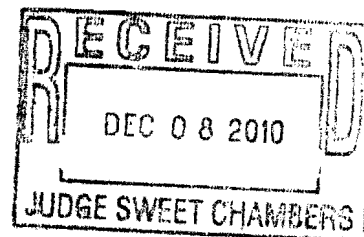


Mark W. Muschenheim
Tel: (212) 442-0573
Fax: (212) 791-9714
MMuschenheim@Law.NYC.Gov

December 8, 2010

By Fax (212 805-7925) - 2 Pages Total

Hon. Robert W. Sweet
United States District Court
Southern District of New York
500 Pearl Street
New York, New York



Re: Spinelli v. City of New York, 02 Civ. 8967 (RWS) (FM)

Dear Judge Sweet:

This office represents the defendant in this action. In connection with the plaintiff's recently served motions for a new trial and for attorneys' fees and the motion for attorneys' fees to be made by plaintiffs' appellate counsel (Sandford F. Young), the parties have conferred and respectfully request that Your Honor establish the following briefing schedule. The present plaintiff's motions¹ are currently returnable on December 31, 2010, and the proposed briefing schedule takes into account the upcoming holidays and counsels' other work obligations, and will also permit the parties to discuss possible settlement of the attorneys' fees applications.

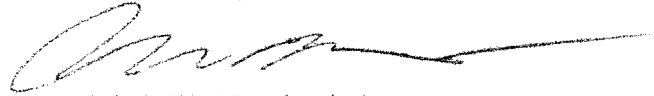
- January 7, 2011 - Defendant's opposition to new trial motion due
- January 7, 2011 - Plaintiff's appellate counsel's attorneys' fees application due
- January 21, 2011 - Plaintiff's reply on new trial motion due
- January 28, 2011 - Defendant's opposition to attorneys' fees applications due

¹ Plaintiff's appellate counsel has not yet filed his application for attorneys' fees, and was prepared to submit a request to extend his deadline to do so by one week in the absence of an agreement on a proposed briefing schedule.

So ordered
Robert W. Sweet
12-8-10

- February 11, 2011 - Plaintiff's counsels' reply on attorneys' fees applications due

Respectfully submitted,



Mark W. Muschenheim
Assistant Corporation Counsel

cc: David A. Zelman, Esq.
Sandford F. Young, Esq.
(By E-Mail)